

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

MARIO ROSAS,

Petitioner,

v.

WARDEN,

Respondent.

No. 2:23-cv-00616 KJM DB P

ORDER

Petitioner, a federal prisoner proceeding pro se, filed an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. The matter was referred to a United States Magistrate Judge as provided by 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On June 22, 2023, the magistrate judge filed findings and recommendations, which were served on petitioner, and which contained notice to petitioner that any objections to the findings and recommendations were to be filed within twenty-one days. Petitioner has not filed objections to the findings and recommendations.

The court presumes that any findings of fact are correct. *See Orand v. United States*, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are reviewed de novo. *See Robbins v. Carey*, 481 F.3d 1143, 1147 (9th Cir. 2007) (“[D]eterminations of law by the magistrate judge are reviewed de novo by both the district court and [the appellate] court

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1 . . .”). Having reviewed the file, the court finds the findings and recommendations to be  
2 supported by the record and by the proper analysis.

3 Accordingly, IT IS HEREBY ORDERED:

4 1. The findings and recommendations filed June 22, 2023 (ECF No. 4), are adopted in  
5 full.

6 2. This action is dismissed as duplicative to *Mario Rosas v. Warden*,  
7 2:23-cv-0617-WBS-AC (E.D. Cal.).

8 3. The Clerk of the Court is directed to close this case.

9 DATED: August 18, 2022.

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12 CHIEF UNITED STATES DISTRICT JUDGE  
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